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14 *and Stephen Mollet*

15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 KEVIN FERNANDEZ,
18 Plaintiff,
19 vs.
20 S. MOLLET, et al.,
21 Defendant.

22 Case No. 3:16-cv-00366-MMD-WGC
ORDER GRANTING
DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO SERVE
DISCOVERY RESPONSES TO REQUEST
FOR PRODUCTION
(SECOND REQUEST)

23 Defendants, Christopher Hayman, Cade Herring, and Stephen Mollet, by and through counsel,
24 Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R. Johnson, Deputy
25 Attorney General, hereby move for an extension of time to serve responses to Plaintiff's Second Set of
26 Requests for Production of Documents. This is the second extension request. This motion is based on
27 the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

28 **MEMORANDUM OF POINTS AND AUTHORITIES**

29 **I. LAW AND ARGUMENT**

30 On March 10, 2017, the Court screened Plaintiff Kevin Fernandez's ("Fernandez") case and
31 filed the Complaint. (ECF No. 3 and 4). On August 8, 2017, Defendants filed their Answer to
32 Plaintiff's Civil Rights Complaint. (ECF No. 13). The Court issued a Scheduling Order setting various
33 deadlines including discovery cut-off dates. (ECF No. 14).

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1 On or about November 12, 2017, Fernandez propounded his second set of Request for
2 Production of Documents. Defendants previously requested and were granted an extension.

3 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

4 When an act may or must be done within a specified time, the court may,
5 for good cause, extend the time: (A) with or without motion or notice if
6 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

7 The proper procedure, when additional time for any purpose is needed, is to present a request
8 for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31
9 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
10 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
11 F.R.D. 268 (N.D. Ohio 1947).

12 Defendants seek an enlargement of time to serve responses to the second set of request for
13 production. Good cause exists to extend the time to file this motion. Counsel was in a week long jury
14 trial in Case No. 3:13-cv-00433-MMD-WGC beginning on December 5, 2017. Due to the trial,
15 deadlines in other cases had to be moved around. Counsel has been working diligently on responding
16 to discovery in other cases that had deadlines moved due to trial. Because of these deadlines to
17 respond, counsel has been unable to finalize responses to the second request for production.
18 Defendants request an extension of fourteen days to complete the discovery responses.

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1 **II. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request their motion for enlargement of time is
3 granted and the deadline for serving discovery responses be extended up to and including January 11,
4 2018.

5 DATED this 28th day of December, 2017.

6 ADAM PAUL LAXALT
7 Attorney General

8 By:

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10 BENJAMIN R. JOHNSON
11 Deputy Attorney General
12 State of Nevada
13 Bureau of Litigation
14 Public Safety Division

15 *Attorneys for Defendants*

16 **IT IS SO ORDERED:**

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18 *Walter G. Cobb*
19 **U.S. MAGISTRATE JUDGE**

20 **DATED:** December 29, 2017